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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,082	04/27/2001	Benjamin T. Gomez	2100/19	9623

7590 10/03/2002

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EXAMINER
JONES, SCOTT E

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/844,082	GOMEZ ET AL.	
	Examiner	Art Unit	
	Scott E. Jones	3713	

-- The MAILING DATE of this communication appears on th cover sh et with th correspond nce addr ss --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on July 12, 2002, in which applicant submits an IDS, amends claims 8-9, 14, 25, and 35, and responds to the claim rejections.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5-7, 8-14, 21-25, 31, 34, 35, and 41-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Seelig et al. (U.S. 5,560,603).

Seelig et al. discloses a combined slot machine(s) (base game) and racing game (bonus game) that encourages and entertains players to continue playing the game. Seelig et al. additionally discloses:

Regarding Claims 1, 8, 13, 14, 25, 34, and 35:

- providing an attraction mechanism for each gaming machine (Abstract, Figures 1,3, Column 1, line 67-Column 2, line 13, Column 2, lines 61-67, and Column 5, lines 1-9);
- electronically linking the gaming machines (Abstract, Figure 3, Column 1, lines 65-67);

- causing the attraction mechanisms to be operated as a group when any one of the linked gaming machines provides an electronic signal indicative of a bonus round being activated (Abstract, Figure 3, Column 1, line 65-Column 2, line 13, Column 3, lines 40-67, and Column 4, line 20-Column 5, line 9).

Regarding Claims 6, 11, 23, and 42:

- the attraction mechanisms are caused to be operated in a staggered manner (Abstract, Figure 3, Column 1, line 65-Column 2, line 13, Column 3, lines 40-67, and Column 4, line 20-Column 5, line 9). The racecars can be moved one at a time.

Regarding Claims 7, and 12:

- the attraction mechanisms continue to be operated until none of the linked gaming machines is in a bonus round (Abstract, Figure 3, Column 1, line 65-Column 2, line 13, Column 3, lines 40-67, and Column 4, line 20-Column 5, line 9). Once a player(s) stop playing the game the racecars on the display (**120**) cease to move.

Regarding Claim 9:

- the predetermined event is the entry into a bonus round (Column 3, lines 19-32, and Column 3, line 66-Column 4, line 7). The Bonus Road Rally slot machine system disclosed, enables a player to start a bonus round upon starting play in the base game.

Regarding Claims 5, 10, 22, and 41:

- all of the attraction mechanisms are caused to be operated simultaneously (Abstract, Figure 3, Column 1, line 65-Column 2, line 13, Column 3, lines 40-67, and Column 4, line 20-Column 5, line 9).

Regarding Claims 21, 31, and 44:

- the attraction feature comprises a projected display, and further includes providing a visual output for the display (**120**) when the attraction feature is caused to operate (Figure 3).

Regarding Claims 24, and 43:

- coordinating the displays in operation with each display providing a different part of an overall presentation of said group (Abstract, Figure 3, and Column 4, line 20-Column 5, line 10).

Regarding Claim 25:

- a mechanized feature associated with each said gaming machine, said mechanized feature having parts which visibly move in a manner perceptible by a player (Column 2, lines 65-67);
- a controller operating said mechanized feature upon an activation signal (Abstract, Figure 3, Column 1, line 65-Column 2, line 13, Column 3, lines 40-67, and Column 4, line 20-Column 5, line 9);
- a signal generator which yields an activation signal upon a predetermined event in operation of a gaming machine, said activation signal being communicated to each said controller to operate said mechanized features as a group. (Abstract,

Figure 3, Column 1, line 65-Column 2, line 13, Column 3, lines 40-67, and Column 4, line 20-Column 5, line 9).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2-4, 15-20, 26-28, and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. (U.S. 5,560,603) in view of Hartmann et al. (WO 98/14251).

Seelig et al. discloses that as discussed above regarding claims 1, 5-7, 8-14, 21-25, 31, 34, 35, and 41-44. Seelig et al. seems to lack explicitly disclosing:

Regarding Claims 2, and 15:

- the attraction mechanism comprises a mechanical apparatus which has external moving parts, said parts being caused to move upon operation.

Regarding Claims 3, 16, and 39:

- the mechanical apparatus is a human figure having at least one moving limb.

Regarding Claims 4, 17, 26 and 40:

- the human figure is caused to dance upon operation.

Regarding Claim 28:

- a predetermined dancing mode having a start and finish is provided which is common to each gaming machine, and at least some of said figures are caused to be operated at a different start time.

Regarding Claim 36:

- the function is at least one of a visual and aural character.

Hartmann et al. teaches of a game system which is entertaining to both the slot machine player and to others in the vicinity of the slot machine to thereby maintain the interest of the players. The gaming system is comprised of one or more slot machines or other types of gaming machines associated with a three-dimensional robot. The robot is an animate figure which takes the shape of a real or fictitious animal or of a human being. The robot is preprogrammed to make sounds or to speak and to move in response to the results of each play on the slot machine. Hartmann et al. additionally teaches:

Regarding Claims 2, and 15:

- the attraction mechanism comprises a mechanical apparatus (**14**) which has external moving parts, said parts being caused to move upon operation (Abstract, Figure 1, Page 3, lines 4-16, Page 4, lines 10-20, Page 5, line 10-Page 6, line 29).

Regarding Claims 3, 16, and 39:

- the mechanical apparatus is a human figure (**14**) having at least one moving limb (Abstract, Figure 1, Page 3, lines 4-16, Page 4, lines 10-20, Page 5, line 10-Page 6, line 29).

Regarding Claims 4, 17, 26 and 40:

- the human figure is caused to dance upon operation (Abstract, Figure 1, Page 3, lines 4-16, Page 4, lines 10-20, Page 5, line 10-Page 6, line 29).

Regarding Claim 28:

- a predetermined dancing mode having a start and finish is provided which is common to each gaming machine, and at least some of said figures are caused to be operated at a different start time (Abstract, Figure 1, Page 3, lines 4-16, Page 4, lines 10-20, Page 5, line 10-Page 6, line 29).

Regarding Claim 36:

- the function is at least one of a visual and aural character (Abstract, Figure 1, Page 3, lines 4-16, Page 4, lines 10-20, Page 5, line 10-Page 6, line 29).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the robot of Hartmann et al. in Seelig et al. Doing so would provide a system which would be entertaining to both the slot player and to others in the vicinity of the slot machine(s) to thereby maintain the interest of the players.

6. Claims 29, 32, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. in view of Tanaka et al.

Seelig et al. discloses that as discussed above regarding claims 1, 5-7, 8-14, 21-25, 31, 34, 35, and 41-44. Seelig et al. seems to lack explicitly disclosing the projected display being generated by a laser projection system (Claims 29, 32, and 45).

Tanaka et al. (U.S. 5,130,838) teaches of a laser projection type display unit.

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the laser projection type display unit of Tanaka et al. in the progressive display of Seelig et al. Doing so provides a source of generating and displaying an attraction animation using technology readily available at the time of Applicant's invention.

Additionally, applicant admits on page 8, lines 13-14, "...details of such a projection system may be gleaned from U.S. 5,130,838."

7. Claims 30, 33, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. in view of Tanaka et al. and in further view of Best et al.

Seelig et al. in view of Tanaka et al. discloses that as discussed above regarding Claims 29, 32, and 45. Seelig et al. in view of Tanaka et al. seems to lack explicitly showing the laser projection system including a domed projection surface on the gaming machine, the laser projection system projecting the visual output upon an interior side of the surface with the output being visible from the outside of the surface (Claims 30, 33, and 46).

Best et al. (U.S. 6,176,584) shows a curved surface, real image, laser-based rear projection display system in Figures 1-7.

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the curved surface, real image, laser-based rear projection display system technology of Best et al. in the display system of Seelig et al. in view of Tanaka et al. Doing so provides a source of generating and displaying an attraction animation using technology readily available at the time of Applicant's invention.

Response to Arguments

8. Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicants overcome the rejection to claims 8-13, 21-24, and 29-30 under 35 U.S.C. 112, second paragraph by submitting an amendment addressing the examiner's items of concern.

Therefore, the rejection to claims 8-13, 21-24, and 29-30 under 35 U.S.C. 112, second paragraph is withdrawn.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Terzian et al. '678, Piechowiak et al. '309, and Olsen '275 disclose individual and/or electronically linked gaming machines for cooperative play.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Scott E. Jones
Examiner
Art Unit 3713

sej
September 25, 2002

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